

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

JOHN ROEBUCK,)	
)	
Plaintiff,)	2023-CV-00055
)	
v.)	ACTION FOR DAMAGES
)	
SILVER AIRWAYS, LLC.,)	JURY TRIAL DEMANDED
)	
Defendant.)	
)	

COMPLAINT

1. Plaintiff John Roebuck (“Roebuck”) is a citizen of St. Croix, Virgin Islands.
2. Defendant Silver Airways, LLC (“Silver Airways”) is a Delaware limited liability corporation with its principal place of business in Fort Lauderdale, Florida.
3. This court has jurisdiction under 28 U.S.C. § 1332(a)(1). The parties are citizens of different states and the amount in controversy exceeds \$75,000 exclusive of interest and costs.
4. Roebuck is a disabled United States Army veteran with an amputated right leg. Roebuck can stand and walk short distances but mostly uses a wheelchair to ambulate.
5. Silver Airways operates daily flights from St. Croix to San Juan, Puerto Rico.
6. Silver Airways has a contract with the Virgin Islands Veteran Affairs (“VA”) office to transport VA patients from the Virgin Islands to San Juan for medical treatment.
7. On January 5, 2023, Roebuck traveled from St. Croix to San Juan on a Silver Airways flight for a medical appointment. Roebuck’s return flight was later that same day.
8. After his appointment, Roebuck checked in for his return flight and went to the departure gate.

9. While Roebuck was at the gate, he noticed that his seat assignment had been changed. Concerned that the new seat assignment was not suitable for a wheelchair-bound passenger, Roebuck got up from his wheelchair and asked a female Silver Airways gate agent why his seat assignment was changed.

10. After the female employee did not respond to Roebuck's question, he began to video his interaction with her on his cell phone. As soon as Roebuck began videotaping, a male Silver Airways employee approached Roebuck and violently struck his phone with an open hand. The force of the impact caused the phone to hit Roebuck's forehead above his right eye. Roebuck was scared and traumatized by the unprovoked assault. He returned to his wheelchair and left the gate area. At least one of Roebuck's fellow passengers from St. Croix witnessed the assault.

**COUNT I
(Battery)**

11. At all relevant times, the male Silver Airways employee (the "employee") was employed by Silver Airways and acting within the course and scope of his employment. Silver Airways is therefore vicariously liable for his actions.

12. The employee intentionally struck Roebuck, hitting his phone with an open hand and causing it to hit his head.

13. The employee intended to cause, and did cause, harmful contact with Roebuck's person.

14. Roebuck did not consent to the employee's harmful and offensive contact.

15. The battery caused injuries to Roebuck's face and head.

16. As a direct and proximate result of the employee's battery, Roebuck suffered substantial damages, including physical and emotional pain and suffering and the cost of future medical treatment.

COUNT II
(Intentional Infliction of Emotional Distress)

17. The employee's intentional act of striking Roebuck was extreme and outrageous and done with the intent to inflict severe emotional distress on Roebuck.

18. The employee's actions did in fact cause Roebuck to suffer severe emotional distress.

19. As a direct and proximate result of the employee's conduct, Roebuck suffered damages, including past and future mental anguish and the cost of future medical treatment.

WHEREFORE, Roebuck demands judgment against Silver Airways in an amount to be proven at trial, plus costs.

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Attorneys for Plaintiff

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